

UNITED STATES DISTRICT COURT
for the
Eastern District of Michigan

United States of America
v.

DONOVAN ADAIR METOYER

Case: 2:22-mj-30145
Case No. Judge: Unassigned,
Filed: 03-21-2022 At 04:53 PM
USA v. SEALED MATTER (CMP)(MLW)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of February 22, 2022 - February 28, 2022 in the county of Oakland in the
Eastern District of Michigan, the defendant(s) violated:

Code Section
18 U.S.C. § 922(g)(3)

Offense Description
Possession of a firearm by an unlawful user of controlled substances

This criminal complaint is based on these facts:
SEE ATTACHED AFFIDAVIT

☒ Continued on the attached sheet.

Sworn to before me and signed in my presence
and/or by reliable electronic means.

Date: March 21, 2022

City and state: Detroit, Michigan



Complainant's signature

Special Agent Brett J. Brandon, ATF
Printed name and title



Judge's signature

Hon. Anthony P. Patti, U.S. Magistrate Judge
Printed name and title

AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT

I, Brett J. Brandon, being first duly sworn, hereby state:

INTRODUCTION

1. I have been a Special Agent with the Bureau of Alcohol, Tobacco, Firearms, and Explosives, assigned to the Detroit Field Division since July 2013. I graduated from the Criminal Investigator Training Program and the ATF Special Agent Basic Training Program at the Federal Law Enforcement Training Center in Glynco, Georgia. During my employment with ATF, I have conducted and participated in numerous criminal investigations involving the illegal possession, use, and sale of firearms, drug trafficking violations, and criminal street gangs.

2. I make this affidavit from personal knowledge based on my participation in this investigation, including interviews conducted by myself and/or other law enforcement agents, communications with others who have personal knowledge of the events and circumstances described herein, and information gained through my training and experience.

3. The ATF is currently conducting a criminal investigation concerning DONOVAN ADAIR METOYER (DOB: XX/XX/2003). This affidavit does not include all the information known to law enforcement related to this investigation.

4. This affidavit includes sufficient evidence to establish probable cause that METOYER, an unlawful user of controlled substances, namely marijuana,

Oxycodone, and Alprazolam, knowingly and intentionally possessed a firearm, in violation of 18 U.S.C. § 922(g)(3).

SUMMARY OF THE INVESTIGATION

5. Based on an ongoing and joint investigation between the Oakland County Sheriff's Office and the ATF, I know that METOYER claims affiliation on Instagram with a gang connected to the "4 Block" gang, a known rival of the "R Block" gang. Violence between 4 Block and R Block has resulted in over 40 shootings since July of 2021. Many of the shootings involved gang members shooting occupied homes of rival gang members. On several occasions, children, parents, and grandparents have been home or shot during these episodes. On or about November 2021 in Pontiac, Michigan, METOYER and his mother were shot. The firearm used in the shooting was recovered from "R Block" gang members.

6. On March 20, 2022, I participated in a video-recorded post-*Miranda* interview of METOYER, who is currently in custody at the Oakland County Jail. METOYER made the following statements.

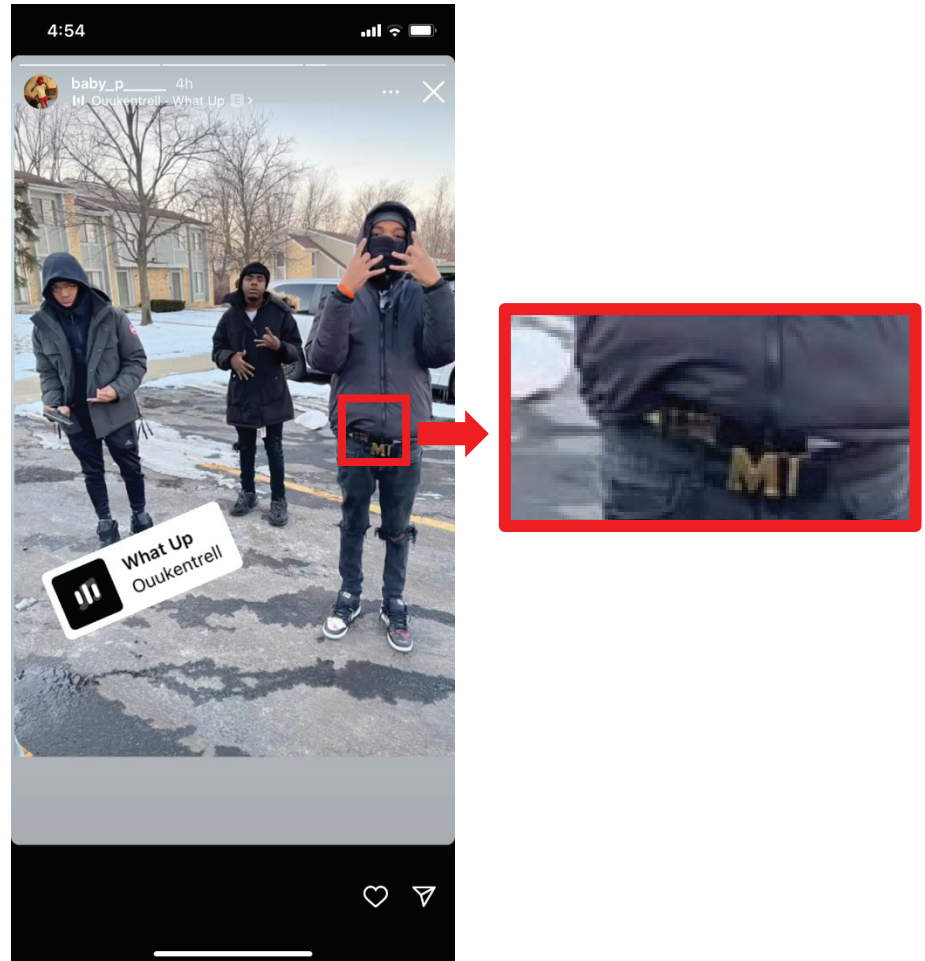
- a. He smokes several grams of marijuana every day;
- b. He takes "Percs" (Percocet – a brand name for Oxycodone / Paracetamol) and "Xanax" (a brand name for Alprazolam) multiple times per week and has done so since July 2021;

- c. He is aware he is taking “Percs” and “Xanax” because he is familiar with the markings on the pills and gets “high” when he takes them;
- d. He does not have a prescription for “Percs” or “Xanax” and buys them on the street;
- e. He and his mother were recently shot;
- f. I showed `METOYER Image One, below, posted to METOYER’s Instagram “story” on or about March 3, 2022:
 - i. METOYER identified the firearm in his waistband as a “Glock 43” (Glock 43 9mm pistol), which he obtained in the fall of 2021;
 - ii. He confirmed the Glock 43 was a real firearm; and
 - iii. He stated the picture was taken in the winter of 2022 near the apartment of R Block gang member Christian Adams’s (aka “Cash”) apartment.

I am aware, based on fixed video surveillance, that the image was taken between approximately February 22 and 28, 2022, in front of an apartment associated with Adams (a member of R Block) located in Pontiac, Michigan. I further noted the firearm

in METOYER's waistband was loaded with a clear extended magazine with ammunition visible.

Image One



- g. I showed METOYER a video uploaded to METOYER's Instagram "Story" on or about February 28, 2022 (see Image Two below, screen shot of aforementioned video):

- h. METOYER stated he possessed the same above-referenced Glock 43 inside of a vehicle while in Oakland County, Michigan; and

Image Two



- i. He indicated he was “probably” high in Images One and Two above when he possessed the Glock 43.

7. Based on training and experience investigating the criminal possession and use of controlled substances that marijuana, Oxycodone, and Alprazolam are controlled substances pursuant to the Controlled Substances Act.

8. METOYER is currently eighteen years old. I am also aware it is unlawful under Michigan law for anyone under twenty-one years of age to purchase or use marijuana.

9. The term “unlawful user of a controlled substance” contemplates the regular and repeated use of a controlled substance in a manner other than as prescribed by a licensed physician. The defendant must have been engaged in use that was sufficiently consistent and prolonged as to constitute a pattern of regular and repeated use of a controlled substance. (Sixth Circuit Pattern Jury Instructions, 12.01 (Committee Commentary)). Based on his own admission, METOYER engaged in a pattern of regular and repeated use of controlled substances during a period that reasonably covers the time the firearm was possessed.

10. On March 20, 2022, I contacted ATF Interstate Nexus Expert, Special Agent Michael Jacobs, and provided a verbal description of the Glock 43 9mm pistol. Based upon the verbal description, Special Agent Jacobs advised that the Glock 43 .40 caliber pistol was a firearm as defined under 18 U.S.C. § 921 and manufactured outside of the state of Michigan after 1898, and therefore had traveled in and affected interstate commerce.

CONCLUSION

11. Probable cause exists that DONOVAN ADAIR METOYER, an unlawful user of controlled substances, namely marijuana, Oxycodone, and Alprazolam, did knowingly and intentionally possess a Glock 43 9mm pistol, a firearm having affected interstate commerce, in violation of 18 U.S.C. § 922(g)(3).

Respectfully submitted,



Brett J. Brandon
ATF Special Agent

Sworn to before me and signed in my presence
and/or by reliable electronic means.



Hon. Anthony P. Patti
United States Magistrate Judge

Dated: March 21, 2022